



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

JUL 26 2002

Charles Kushner  
30 Fawn Dr.  
Livingston, NJ 07039

RE: MUR 5279  
Bill Bradley for President, Inc.

Dear Mr. Kushner:

On June 26, 2002, the Federal Election Commission found that there is reason to believe you violated several provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations. Specifically, the Commission found reason to believe you violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(a) by consenting to corporate contributions; acted as a corporate conduit in violation of 11 C.F.R. § 110.6(b)(2)(ii); facilitated the making of contributions in violation of 11 C.F.R. § 114.2(f); violated 2 U.S.C. § 441a(a) and 11 C.F.R. § 110.6(d)(2) by making excessive contributions; and violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(i) by making contributions in the name of another. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. In addition, please submit the answers and documents requested by the enclosed subpoena within 30 days. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

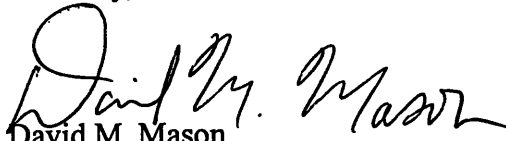
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Albert Veldhuyzen or Michelle E. Abellera, the attorneys assigned to this matter, at (202) 694-1650.

Sincerely,

  
David M. Mason  
Chairman

Enclosures

Factual and Legal Analysis

Procedures

Designation of Counsel Form

Subpoena

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**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT:** Charles Kushner

**MUR:** 5279

**I. GENERATION OF MATTER**

This matter was generated by an audit of Bradley for President, Inc. ("Committee") and Theodore V. Wells, as treasurer, undertaken in accordance with 26 U.S.C. § 9038(a).

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Prohibited and Excessive Contributions by Charles Kushner**

**1. Background**

During the course of the audit of the Committee, the Audit Division identified 40 business checks totaling \$40,000 made payable to the Committee. The checks were written on the accounts of 40 different business entities and attributed to 39 individuals. A contribution schedule provided by the Committee listed all the contributors as partners in various "partnerships;" the schedule listed the names of the partnerships, the contributing partner and the address of the partnership.<sup>1</sup> All of the partnerships have the same address.<sup>2</sup> This address, 26 Columbia Turnpike, Florham Park, NJ, is the corporate headquarters of Kushner Companies, a business owned and chaired by Charles Kushner.

<sup>1</sup> It is unclear whether these business entities are partnerships, limited liability companies, or corporations. At least four of the listed entities are registered as limited liability companies with the Secretary of State of New Jersey. They include 135 Montgomery Associates LLC, Sixty-Six West Associates LLC, Hackettstown Square Associates and Constantine Village Associates. The New Jersey Secretary of State has registration entries for Hackettstown Square and Constantine Village as both a "LLC" and "LP." Contribution checks did not indicate whether the accounts belonged to LLCs or partnerships.

<sup>2</sup> Of the 40 contributing partnerships, 13 have been identified as managing residential properties held by Kushner Companies. Furthermore, Mr. Kushner has been identified as an officer or director of 12 other partnerships. It appears that, at a minimum, the majority of the contributing partnerships are managed, controlled, or owned by Kushner Companies or Mr. Kushner.

1                   **2. Corporate Contribution**

2           The Act states that it is unlawful for any corporation to make a contribution or  
3   expenditure in connection with a federal election, or for a candidate or political committee to  
4   knowingly accept such a contribution. It is also unlawful for any corporate officer or director to  
5   consent to any such contribution. This broad prohibition extends to “anything of value” given to  
6   a federal candidate or campaign. 2 U.S.C. § 441b(b)(2).

7           Committee records indicate the contributions were received from Kushner Companies on  
8   June 22, 1999 and deposited on June 25, 1999. Furthermore, processing codes indicate the  
9   contributions may have been solicited by Mr. Kushner and were related to a New Jersey  
10   fundraising event held on March 4, 1999.<sup>3</sup> All 40 checks were made payable to the Committee,  
11   “care of Betty Sapoch,” a Committee fundraiser, and were dated on or around June 16, 1999.<sup>4</sup>

12          The circumstances surrounding the making and delivery of the checks raise the possibility  
13   of corporate contributions. An examination of the checks indicates that they were mass-  
14   produced and originated from a single source. The accountholder’s name, bank routing numbers  
15   and other notations all appear to be printed in the same type as the payee and amount  
16   information. The Audit Staff noted that all but three checks contained the same typographical  
17   error. The fundraiser’s surname, Sapoch, was spelled incorrectly in the payee line (“Japoch”).  
18   All of the checks were drawn on accounts held at two different banks, Norcrown Bank and  
19   Valley National Bank. The Audit staff noted that Norcrown Bank is part of the Kushner group of

<sup>3</sup>       The Committee provided Audit staff with copies of the checks, which included contributor and campaign coding information. All 40 checks were designated “Event Code: NJ 3/4/99” and “Solicitor Code: Charles Kushner.”

<sup>4</sup>       With the exception of one check, the checks were all dated June 16, 1999. Check #3396, drawn on the account of College Park Associates, L.P. was dated June 17, 1999.

1 businesses. Lastly, the checks listed 40 different corporate names above the signature line and all  
2 of the checks appear to have been signed by the same person. Although not legible, the  
3 signatures on the checks appear very consistent.<sup>5</sup>

4 These facts tend to support the notion that Kushner Companies, and Mr. Charles  
5 Kushner, specifically, made the contributions, rather than 40 different business entities or  
6 partners. Our regulations state that, “absent evidence to the contrary, any contribution made by  
7 check, money order, or other written instrument shall be reported as a contribution by the last  
8 person signing the instrument prior to delivery to the candidate or committee.” 11 C.F.R.  
9 § 104.8(c). Since Mr. Kushner appears to have signed all the checks, they are attributable to him  
10 or Kushner Companies, “absent evidence to the contrary.”

11 Although the Committee received notification that Kushner Companies wished to  
12 attribute the contributions to individual partners of various Kushner business entities, it is not  
13 clear when such notification occurred. In response to questions raised by the Audit staff, Peter  
14 Nichols, Assistant Treasurer of the Committee, contacted Scott Zecher, Chief Operating Officer  
15 of Kushner Companies. Mr. Zecher assured the Committee that the checks represented funds  
16 from individual partners of partnerships that were affiliated with the Kushner Companies. On  
17 February 22, 2001, Mr. Zecher provided the Committee with a letter, dated June 17, 1999.<sup>6</sup> It

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<sup>5</sup> A comparison of the check signatures with Mr. Kushner’s signature as displayed on the Kushner Companies’ website suggests that the signatures may have originated from the same person.

<sup>6</sup> The letter, dated June 17, 1999, corresponding to the day the contributions were given to the Committee, was not included in the original documents submitted to Audit staff for review. Kushner Companies faxed the letter to the Committee on February 22, 2001. A paragraph from this same letter was sent by Kushner Companies to Mr. Nichols on February 13, 2001 in response to his questions about the corporate entities noted on the face of most of the checks.

appears the letter was intended to be a cover letter for the contributions,<sup>7</sup> which explained that the corporate name above the signature line on the checks represented managing partners of the various partnerships and that the funds were to be allocated to individual partners.

Aside from the attribution schedule provided by Kushner Companies, there is no indication that any of the 38 individuals are partners or that their individual partnership accounts were charged for the contributions. A preliminary review of the names of the contributors, which reveals that at least half of the contributors are relatives of Mr. Kushner and at least three are Kushner Companies executives or employees, also casts doubt as to whether these were bona fide partners. Given the likelihood that the checks were signed by Mr. Kushner and originated from Kushner Companies and given the absence of evidence that the partners of the various partnerships intended to make contributions, the Office of General Counsel believes that Kushner Companies and/or Mr. Kushner may well have been the genuine source of the contributions.

In verifying the status of these purported partnerships through Dun and Bradstreet business research service, the Audit Division obtained relevant information concerning the number and identity of partners of some of the partnerships. For instance, Dun and Bradstreet lists the number of employees of New Puck, L.P. as "two which includes partners." However, seven individuals have made contributions to various committees as partners of New Puck, L.P. Likewise, although reports list the number of employees of Sixty Six West Associates as "1 which includes partners," two individuals have made contributions as partners. Other entities with individuals making contributions that appear to exceed the reported number of members

<sup>7</sup> The letter reads, "I enclose 41 checks in the total amount of \$40,000 made payable to the Bill Bradley for President, Inc. along with an allocation schedule."

1 include Elmwood V. Associates L.P. and Pheasant Hollow Associates. In addition, Dun and  
2 Bradstreet reports indicate that Oakwood Gardens is a for-profit corporation, incorporated since  
3 June 12, 1962. Nonetheless, a person made a contribution to the Committee as a partner of  
4 Oakwood Gardens.

5 The above discrepancies between the reported number of partners and persons  
6 contributing through Kushner partnerships suggest that the partnerships may have been used to  
7 funnel contributions to political committees. In order to verify the legitimacy of these  
8 contributions, it is necessary to determine that the contributors were in fact bona fide partners;  
9 that they agreed to make political contributions through the partnerships; and that partner profits  
10 were proportionately reduced. 11 C.F.R. § 110.1(e).

11 In addition, some of the business entities involved in these transactions may be limited  
12 liability companies ("LLC").<sup>8</sup> According to the regulations, LLCs are treated consistent with the  
13 tax treatment they select under the Internal Revenue Code. 11 C.F.R. § 110.1(g). Thus, a  
14 contribution by an LLC is permissible, and is treated like a partnership contribution, unless the  
15 LLC elects tax treatment as a corporation. See 11 C.F.R. § 110.1(g)(2). However, the  
16 contributions at issue were made on June 16 and 17, 1999, approximately one month before the  
17 new regulations governing LLCs went into effect.<sup>9</sup> Therefore, whether contributions from these  
18 LLCs are permitted depends upon the Commission rules in effect at the time the contributions to  
19 the Committee were made.

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<sup>8</sup> See *infra* note 1.

<sup>9</sup> The final LLC regulations were transmitted to Congress on July 12, 1999.

1 Prior to the adoption of the LLC regulations, the Commission determined that as long as  
2 state law did not classify LLCs as corporations, they were to be treated as “persons” under the  
3 Act pursuant to 2 U.S.C. § 431(11). *See* AOs 1998-15, 1997-17, 1997-4. New Jersey state law  
4 provides that an LLC of two or more members “shall be classified as a partnership unless  
5 classified otherwise for federal income tax purposes, in which case the limited liability company  
6 shall be classified in the same manner as it is classified for federal income tax purposes.” N.J.  
7 Stat. Ann. § 42:2B-69 (West 2001). Thus, New Jersey state law follows the same guidelines as  
8 the Commission’s new regulations and relies upon an LLC’s election under the federal tax laws.

9 Barring an election of corporate status, these LLCs could make contributions within the  
10 limits of the Act and without dual attribution of the amounts to the LLC’s members. *See*  
11 2 U.S.C. §§ 413(11) and 441a(a)(1)(A); 11 C.F.R. §§ 100.10 and 110.1(e). However, the  
12 Commission’s allowance for contributions by LLCs was premised on the assumption that none of  
13 the individual members of the LLCs were entities prohibited by the Act from contributing. *See*  
14 2 U.S.C. §§ 441b, 441c and 441e. Thus, the participation of even one corporation, federal  
15 contractor, or foreign national as an LLC member would taint all LLC contributions as unlawful.  
16 *See* AOs 1998-15, 1997-17, 1997-4. In the present instance, it appears that 38 of the 40  
17 contributing entities have corporate managing partners. In addition, research has revealed a  
18 majority of the contributing entities are managed, controlled or owned by Kushner Companies or  
19 Mr. Kushner.

20 Accordingly, the Commission found reason to believe that Charles Kushner, as Chairman  
21 of Kushner Companies, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(a).



1                   **3. Corporate Conduit and Corporate Facilitation**

2           Corporations are explicitly forbidden from acting as conduits for contributions and from  
3   using corporate resources to engage in fundraising activities. 11 C.F.R. § 110.6(b)(2); 11 C.F.R.  
4   § 114.2(f). When a corporation facilitates the making of a contribution by a person to a political  
5   committee, that action is in itself a contribution by the corporation to that same political  
6   committee. Examples of facilitation include directing subordinates to plan, organize, or carry out  
7   a fundraising project as a part of their work responsibilities using corporate resources and  
8   providing materials for the purpose of transmitting or delivering contributions, such as stamps,  
9   envelopes or other similar items. 11 C.F.R. § 114.2(f)(2).

10           It appears that Kushner Companies and Mr. Kushner assisted employees and business  
11   associates with making federal campaign contributions, and that corporate subordinates were  
12   involved in collecting and forwarding those contributions. Committee records indicate Mr.  
13   Kushner may have obtained these contributions in connection with a March 1999 fundraising  
14   event. Apparently, Mr. Kushner was assisted in his efforts by Scott Zecher, the Chief Operating  
15   Officer. Mr. Zecher forwarded the checks to the Committee and was responsible thereafter for  
16   all communications concerning the contributions. In addition, Mr. Zecher sent a letter, signed in  
17   his official capacity and printed on corporate letterhead, to accompany the contributions.<sup>10</sup> See  
18   MUR 5020 (the actual collecting and forwarding of contributions represents corporate  
19   facilitation).

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<sup>10</sup> As noted previously, the checks were printed by the same equipment, signed by the same person, drawn from accounts held by a Kushner Companies bank, and delivered in one bundle by Kushner Companies.

1 Accordingly, the Commission found reason to believe that Charles Kushner, as Chairman  
2 of Kushner Companies, violated 2 U.S.C. § 441b(a) and 11 C.F.R. §§ 114.2(f) and  
3 110.6(b)(2)(ii) by facilitating the making of prohibited corporate contributions.

4 **4. Excessive Contributions**

5 ~~The Act prohibits individuals from making contributions aggregating more than \$25,000~~  
6 in any calendar year. 2 U.S.C. § 441a(a)(3). Any contribution made to a candidate with respect  
7 to a particular election, but made in a non-election year, is considered to be made during the  
8 calendar year in which the election is held. 11 C.F.R. § 110.5(c)(1)-(2). Based on a review of  
9 the campaign disclosure database, it appears that Charles Kushner made contributions totaling  
10 \$43,000 in 2000. Thus, the Commission found reason to believe that Charles Kushner violated  
11 2 U.S.C. § 441a(a)(3) and 11 C.F.R. § 110.5(b) by making contributions in excess of his annual  
12 \$25,000 contribution limitation. See MUR 4650.

13 Furthermore, if a person collects contributions as a conduit, and exercises “direction and  
14 control” over the making of the contribution, the contribution is chargeable to the conduit’s limit  
15 for the recipient candidate in addition to the limit of the actual donor. 11 C.F.R. § 110.6(d)(2).  
16 Kushner Companies and Mr. Kushner apparently facilitated the making of the contributions by  
17 collecting and forwarding the checks that were made in the name of relatives, partners, and  
18 employees. Also, many, if not all, of the contributing partnerships and LLCs were controlled,  
19 managed, or owned by Kushner Companies and Mr. Kushner, a factor facilitating “direction and  
20 control.”<sup>11</sup> As such, the contributions may be chargeable to Mr. Kushner’s individual

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<sup>11</sup> “In the past, the Commission has considered such factors as whether the conduit controlled the amount and timing of the contribution, and whether the conduit selected the intended recipient.” Explanation and Justification for 11 C.F.R. § 110.6, 54 Fed. Reg. 34,108 (Aug. 17, 1989).

1 contribution limit. 11 C.F.R. § 110.6(d)(2). Accordingly, the Commission found reason to  
2 believe that Mr. Kushner further exceeded his contribution limit and violated 2 U.S.C. § 441a(a)  
3 and 11 C.F.R. § 110.6(d)(2) by exercising “direction and control” over contributions to Bradley  
4 for President, Inc. *See* MURs 2314 and 4197.

5 **5. Contribution in the Name of Another**

6 Pursuant to 2 U.S.C. § 441f, no person shall make a contribution in the name of another  
7 person or knowingly permit his name to be used to effect such a contribution, and no person shall  
8 knowingly accept a contribution made by one person in the name of another person. 11 C.F.R.  
9 § 110.4(b)(1). A person who gives anything of value which was provided by another person  
10 without disclosing the source to the recipient candidate or who makes a contribution and  
11 attributes the source as someone else, when in fact the contributor is the source, has made a  
12 contribution in the name of another. 11 C.F.R. § 110.4(b)(2).

13 The contributions to the Committee were attributed to 39 individual “partners” of 40  
14 different business entities affiliated with Kushner Companies. However, there is no evidence to  
15 confirm that these 39 people are partners in the partnerships, that they actually authorized the  
16 contributions, or that their individual partnership accounts were charged. The Audit Staff  
17 attempted to verify the status of these partnerships through Dun and Bradstreet and the Secretary  
18 of the State of New Jersey. The Audit staff was unable to verify that the named contributors  
19 were partners in these businesses. However, research by this Office revealed that a large portion  
20 of the contributors were either Kushner employees or family relatives.

21 Given Kushner Companies and Mr. Kushner’s control over the contributing partnerships  
22 and/or LLCs, Mr. Kushner’s relation to the named contributors, and the fact that the

- 1 contributions appear to be signed by the same individual, were written for the same amount, and
- 2 delivered on the same day, it is likely that contributions were made in the name of another.
- 3 Accordingly, the Commission found reason to believe that Charles Kushner, as Chairman of
- 4 Kushner Companies, violated 2 U.S.C. § 441f and 11 C.F.R. § 110.4(b)(1)(i).

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1  
2 **BEFORE THE FEDERAL ELECTION COMMISSION**

3  
4 In the Matter of Bill Bradley for President, Inc. )  
5 ) MUR 5279  
6 )  
7

8 **SUBPOENA TO PRODUCE DOCUMENTS**  
9 **ORDER TO SUBMIT WRITTEN ANSWERS**

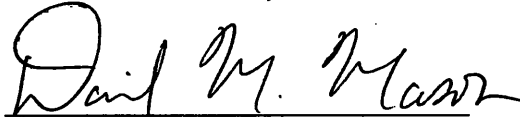
10  
11 TO: Mr. Charles Kushner  
12 Kushner Companies  
13 26 Columbia Turnpike  
14 Florham Park, NJ 07932  
15

16 Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the  
17 above-captioned matter, the Federal Election Commission hereby orders you to submit written  
18 answers to the questions attached to this Order and subpoenas you to produce the documents  
19 requested on the attachment to this Subpoena. Attached to this Subpoena are instructions and  
20 definitions that you must follow in responding to this Subpoena and Order. Legible copies  
21 which, where applicable, show both sides of the documents may be substituted for originals.  
22

23 Notice is given that written answers must be submitted under oath and must be forwarded  
24 to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W.,  
25 Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this  
26 Order and Subpoena.  
27

28 WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his  
29 hand in Washington, D.C. on this 26th day of July, 2002.  
30

31 For the Commission,

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33  
34 David M. Mason  
35 Chairman  
36  
37

38 ATTEST:

39   
40 Mary W. Dove  
41 Secretary to the Commission  
42  
43

44 Attachments  
45 Interrogatories and Document Requests

**ATTACHMENT TO SUBPOENA**

This Subpoena to Produce Documents and Order to Submit Written Answers has been issued by the Federal Election Commission under the authority of 2 U.S.C. § 437d(a)(1) and (3).

Return the original Subpoena and Order with an original affidavit signed by the appropriate official attesting that you provided all responsive documents and submitted written answers under oath. The affidavit must be sworn and notarized.

**INSTRUCTIONS**

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that are in your possession, custody or control, or otherwise known or available to you, including documents and information appearing in your records.

If you cannot answer the interrogatories or requests for production of documents in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege or other objection with respect to any documents, communications, or other items about which information is requested by the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim or objection. Each claim of privilege must specify in detail all the grounds on which it rests. No part of this request shall be left unanswered solely because an objection is interposed to another part of this request.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1998 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this audit if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

**DEFINITIONS**

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"Commission" shall mean the Federal Election Commission.

"Kushner Companies" shall mean the named respondent in this action to whom these discovery requests are addressed, including its subsidiaries and affiliates, and all officers, employees, agents or attorneys thereof.

"Associated partnerships" shall include the following partnerships as well as any other entities with a connection to "Kushner Companies" or Charles Kushner: 135 Montgomery Associates; 836 Avenue Associates; BP Developers, L.P.; Brick Building Associates, L.P.; Bruckner Plaza Associates; Colfax Manor, L.P.; College Park Associates, L.P.; Constantine Village Associates; Dara Building Associates, L.P.; East Brunswick Corporate Center; Edgewater Apartments Associates, L.P.; Elmwood V. Associates, L.P.; General Greene Village Associates; Glen Ellen Associates, L.P.; Hackettstown Square Associates; Harbor Island Realty Associates, L.P.; Kent Gardens Associates; Kushner Seiden Madison 64<sup>th</sup>, L.P.; LMEC Associates, L.P.; Millburn Associates, L.P.; Montgomery Associates; Mt. Arlington Apartments Associates, L.P.; New Puck, L.P.; Oakwood Garden Developers, L.P.; Pheasant Hollow Associates; Pitney Farms Associates, L.P.; QEM Associates, L.P.; Quail Ridge Associates, L.P.; Randolph Building Associates, L.P.; Reike, L.P.; Riverside Park Industrial Associates, L.P.; Rolling Gardens Associates; Seven S.L.P. Associates, L.P.; Sixty Six West Associates; Sod Farms Associates, L.P.; Sparta Building Associates, L.P.; Township Associates; Wallkill Apartments Associates, L.P.; West Brook Associates, L.P.; Westminster Sales & Marketing, L.P.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Personnel" shall be deemed to include both singular and plural, and shall mean any director, officer, manager, supervisor or other employee of the named respondent and/or its subsidiaries and affiliates, as well as any partner, agent, or other individual authorized to act on behalf of the named respondent and/or its subsidiaries and affiliates.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video

1 recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all  
2 other writings and other data compilations from which information can be obtained, including  
3 data stored on electronic or magnetic media. Each draft or non-identical paper or electronic copy  
4 is a separate document within the meaning of this term.

5  
6 "Bank" shall mean any and all financial institutions where you held or exchanged money,  
7 obtained a loan, line of credit, or any and all other debt or investment interests during the period  
8 of January 1, 1998 to the present.

9  
10 "Identify" with respect to a document shall mean state the nature or type of document  
11 (e.g. letter, memorandum, bank statement, Certificate of Deposit, billing statement), the date, if  
12 any, appearing thereon, the date on which the document was prepared, the title of the document,  
13 the general subject matter of the document, the location of the document, the number of pages  
14 comprising the document. "Identify" with respect to a document shall also mean the  
15 identification of each person who wrote, dictated, or otherwise participated or initialed the  
16 document, each person who received the document or reviewed it, and each person having  
17 custody of the document or a copy of the document. "Identify" with respect to a bank account or  
18 Certificate of Deposit shall also mean the identification of the name and account number.  
19 Identification of a document includes identifying all originals or copies of that document known  
20 or believed to exist.

21  
22 "Identify" with respect to a person shall mean state the full name, the most recent  
23 business and residence addresses and the telephone numbers, the present occupation or position  
24 of such person and any position ever held with the named respondent, including any  
25 responsibility exercised in connection with the named respondent's geographic regions, and the  
26 nature of the connection or association that person has to any party in this proceeding. If the  
27 person to be identified is not a natural person, provide the legal and trade names, the address and  
28 telephone number, and the full names of both the chief executive officer and the agent designated  
29 to receive service of process for such person.

30  
31 "And" as well as "or" shall be construed disjunctively or conjunctively as necessary to  
32 bring within the scope of these interrogatories and request for the production of documents any  
33 documents and materials which may otherwise be construed to be out of their scope.

34  
35 "You," "your," and "their" shall mean the named person or entity to whom these requests  
36 are directed, including all officers, employees, agents, volunteers and attorneys thereof, as well as  
37 any other person.

38  
39 "Raising of contributions" shall include requesting, suggesting or soliciting, making,  
40 collecting, and forwarding of contributions. It shall also include, but not be limited to, meetings,  
41 functions, and events incident to and/or concerning such activity, such as events attended by a  
42 candidate.  
43



1 "Fundraising Activity" shall mean soliciting contributions, including suggesting or  
2 requesting that a contribution be made. It shall also mean making, collecting and forwarding  
3 contributions. This includes, but is not limited to, any meetings, discussions, and functions, or  
4 any other events incident to or concerning the soliciting, making, collecting and forwarding of  
5 contributions.

6  
7 Except where the discovery request states otherwise, any reference to the singular shall be  
8 construed as including the plural, any reference to the plural shall be construed as including the  
9 singular.

10  
11 The Commission incorporates by reference the full text of definitions of other terms set  
12 forth in 2 U.S.C. § 431 and 11 C.F.R. § 100.

13  
14 **QUESTIONS AND REQUEST FOR PRODUCTION OF DOCUMENTS**

15  
16 1. Identify all fundraising activities in which you have participated involving Kushner  
17 Companies and associated partnerships, their facilities, equipment and personnel on behalf of the  
18 political committees identified below:

- 19 a. Bradley for President, Inc.  
20 b. Committee for Working Families  
21 c. Corzine 2000  
22 d. Democratic National Committee Services Corporation  
23 e. Friends of Giuliani  
24 f. Friends of Schumer  
25 g. Gore 2000  
26 h. Clinton for U.S. Senate  
27 i. Lautenberg 2000 Committee  
28 j. Lautenberg for US Senate  
29 k. Susan Bass Levin for Congress  
30 l. Mendendez for Congress  
31 m. Schumer '98  
32 n. Torricelli for U.S. Senate

33  
34 2. Identify all fundraising activities in which you have participated involving Kushner  
35 Companies and associated partnerships, their facilities, equipment and personnel on behalf of any  
36 federal candidates or political committees other than those identified in question 1 above.

37  
38 3. Provide a detailed estimate of the time and resources you spent on behalf of the political  
39 committees identified in your response to questions 1 and 2 above. Specify whether your efforts  
40 were done for the benefit of Kushner Companies/associated partnerships. Identify any Kushner  
41 Companies/associated partnership resources such as office space, computers, electronic mail,  
42 letterhead, postage, and telephone, involved in the political fundraising activities.  
43

1 4. Identify all other persons associated with Kushner Companies/associated partnerships who  
2 were involved in the fundraising activities described in your response to questions 1 and 2 above.  
3 Describe in full each person's involvement in each fundraising activity identified in your  
4 response to questions 1 and 2 above.

5  
6 5. Identify any payments, bonuses, and reimbursements you received from Kushner Companies  
7 and associated partnerships as a consequence of your involvement in the fundraising activities  
8 described in your response to questions 1 and 2 above. Describe in full the purpose of each  
9 payment.

10  
11 6. Identify any payments, bonuses, and reimbursements you made to others as a consequence of  
12 your involvement in the fundraising activities described in your response to questions 1 and 2  
13 above. Describe in full the purpose of each payment.

14  
15 7. State whether and when you agreed to participate in or institute a political contribution plan  
16 organized by Kushner Companies or associated partnerships. If so, provide a copy of the  
17 political contribution plan and evidence of your participation.

18  
19 8. Describe in full any financial arrangements you currently have with Kushner Companies and  
20 associated partnerships. State whether you currently own partnership accounts with Kushner  
21 Companies/associated partnerships. Identify any limitations or restrictions governing the use of  
22 funds in the account(s), including whether you were reimbursed for funds drawn from the  
23 account(s).

24  
25 9. State whether and when you authorized a \$1,000 contribution to Bill Bradley for President  
26 from New Puck, L.P. See copy of attached check (Attachment B). If you authorized this  
27 contribution, state whether the funds for this contribution originated from a bank account or  
28 personal partnership interest you own/control. If the contribution originated from such an  
29 account or your personal partnership interest was charged, provide evidence such as a bank  
30 statement, showing the debit of your account.


31  
32

**REQUEST FOR PRODUCTION OF DOCUMENTS**

1. Produce all documents relied upon in answering the above questions.
2. Produce all letters, envelopes, memos, external and internal correspondence, notes of telephone conversations, electronic mail, records of oral and/or written communications, and all other documents in your possession concerning, relating, or in any way pertaining to political fundraising efforts.
3. Produce all bank records and statements reflecting debits for the making of political contributions.

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24 04 408 2253

NEW PUCK LP 26 COLUMBIA TURNPIKE FLORHAM PARK NJ 07932		MORCROWN BANK 66 W. MT. PLEASANT AVENUE LIVINGSTON, NJ 07039		55-653/212 CHECK NO. 6976
DATE 06/16/99		AMOUNT \$*****1,000.00		
PAY EXACTLY		ONE THOUSAND DOLLARS AND NO CENTS		
PAY TO THE ORDER OF		BILL BRADLEY PRES EXPL COMMITT C/O BETTY W. JAPOCH 4 HAWTHORNE AVENUE PRINCETON NJ 08540		SKS PROPERTY CORP  AUTHORIZED SIGNATURE



ATTACHMENT B